

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRYAN ANTHONY REO,

Plaintiff,

v.

WINRED TECHNICAL SERVICES LLC,

Defendant.

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Case No.

Judge

Magistrate Judge

**DEFENDANT WINRED TECHNICAL SERVICES LLC'S
NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, WinRed Technical Services LLC (“WinRed”) hereby removes this case from the Court of Common Pleas of Lake County, Ohio, to the United States District Court for the Northern District of Ohio, Eastern Division. The grounds for removal are as follows:

1. On October 19, 2020, Plaintiff Bryan Anthony Reo filed his Complaint against WinRed in the civil action captioned *Bryan Anthony Reo v. WinRed Technical Services LLC*, Case No. 20CV001304, in the Court of Common Pleas of Lake County, Ohio (the “State Court Action”).

2. In accordance with 28 U.S.C. § 1446(a), a true and accurate copy of the Summons and Complaint served on WinRed October 22, 2020 are attached hereto as Exhibit 1. WinRed has not received or served any other process, pleadings, or orders in connection with this action, and there have been no proceedings in the State Court action to date, besides a change in judge assignment attached hereto as Exhibit 2.

3. This Notice is being filed within 30 days of service and is timely pursuant to 28 U.S.C. § 1446(b).

4. WinRed is the only defendant in this case. Therefore, the requirement for unanimous consent among defendants has been met.

5. Removal of the State Court Action is proper pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

6. In his Complaint, Plaintiffs alleges violations of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. §227 and 47 CFR § 64.1200(d)(3). *See* Complaint, ¶¶32-45. Plaintiff also cites the Ohio Consumer Sales Practices Act, R.C. §§ 1345.01 et seq. work environment and retaliation under state law. *See* Complaint, ¶¶1, 4, 46.

7. A federal district court has original jurisdiction over “all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. A case arises under federal law when an issue of federal law appears on the face of a well-pleaded complaint. *Metropolitan Life Ins. Co. v. Taylor*, 481 U.S. 58, 63 (1987).

8. Plaintiff alleges a violation of the TCPA; therefore, removal is proper. *See Mims v. Arrow Financial Services*, LLC 565 U.S. 368 (2012) (holding federal question jurisdiction over TCPA claims).

9. The Complaint does not raise novel or complex issues of state law, the state law claims do not substantially predominate over the federal question, and there are no exceptional circumstances or other compelling reasons for declining jurisdiction. 28 U.S.C. § 1367(c).

10. This Court is the proper venue for removal because Lake County, Ohio, is located within the United States District Court for the Northern District of Ohio, Eastern Division. 28 U.S.C. § 1441(a).

11. Pursuant to 28 U.S.C. § 1446(d), WinRed will promptly serve written notice of this Notice of Removal on Plaintiff and will file a copy of the Notice of Removal with the Court of Common Pleas of Lake County, Ohio.

Respectfully submitted,

/s/ Jason R. Stuckey

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Attorneys for Defendant

WinRed Technical Services LLC

CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2020, the foregoing *Defendant WinRed Technical Services LLC's Notice of Removal* was filed electronically and via email and/or regular U.S. mail upon:

Bryan Anthony Reo, Esq.
P.O. Box 5100
Mentor, OH 44060

/s/ Jason R. Stuckey

Jason R. Stuckey (0091220)